

Exhibit B

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Attorneys for Defendant Google LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE'S STATEMENT RE:
VERDICT FORM**

The Honorable Yvonne Gonzalez Rogers

Date: November 29, 2023

Time: 9:00 a.m.

Location: Courtroom 1 – 4th Floor

Trial Date: January 29, 2024

1 A verdict form must include “questions ... adequate to obtain a jury determination of the
 2 factual issues essential to judgment.” *Sarmiento v. Cnty. of Orange*, 496 F. App’x 718, 720 (9th
 3 Cir. 2012) (quoting *Smith v. Jackson*, 84 F.3d 1213, 1220 (9th Cir. 1996)). Plaintiffs’ verdict form
 4 covers only liability and damages, omitting Google’s affirmative defenses. It is thus not only one-
 5 sided, but would deny the jury an opportunity to reach all “issues essential to judgment.” *Id.* Among
 6 other things, Plaintiffs’ general verdict form omits any inquiry regarding:

- 7 • Consent, which is a defense to all claims in this case, *see* Dkt. 113 at 14; Dkt. 803 at 32;
- 8 • The applicable statutes of limitations;
- 9 • The documents that comprise the contract at issue—a question expressly delegated to the
 10 jury by this Court, Dkt. 969 at 16-19;
- 11 • Whether Plaintiffs waived their rights regarding the conduct of which they complain; and
- 12 • Whether Google has established the justification defense to the privacy torts.

13 Plaintiffs’ verdict form risks allowing the jury to impose liability and damages for claims
 14 (or portions of claim periods) that are (a) invalid due to consent; (b) time-barred; (c) based on
 15 “contractual” terms as to which there was neither agreement between the parties nor unanimity
 16 among the jurors; and/or (d) subject to waiver or justification. That would be error. *See, e.g., Falcon*
 17 *Stainless, Inc. v. Rino Companies, Inc.*, 2011 WL 13130703, at *17 (C.D. Cal. Oct. 21, 2011)
 18 (ordering new trial because “affirmative defense of unclean hands was not included” on “general
 19 verdict” form, “and defendants had relied on the defense during their case”), *aff’d*, 572 F. App’x
 20 483 (9th Cir. 2014).

21 Google is entitled to determine and, if necessary, challenge the jury’s findings on these
 22 important issues. But it may be “impossible to know[] in view of the general verdict returned
 23 whether the jury imposed liability on a permissible or an impermissible ground.” *Exxon Shipping*
 24 *Co. v. Baker*, 554 U.S. 471, 482 n.3 (2008). This poses the significant risk “the judgment must be
 25 reversed and the case remanded” for another lengthy trial. *Id.*; *see, e.g., Malone v. California State*
 26 *Coll., Stanislaus*, 988 F.2d 120 (9th Cir. 1993) (“[T]he elements of retaliatory discharge and
 27 disparate treatment are different and discrete defenses apply; it is impossible to know which theory
 28 of liability or defense the jury accepted or rejected in reaching its general verdict.”).

Google's verdict form avoids these pitfalls while offering a number of other advantages. Rather than a "general verdict [that] is usually either all wrong or all right because it is an inseparable and inscrutable unit," Google's form would "isolate fact findings in such a way as to allow reviewing courts to make determinations as a matter of law while preserving the jury's role as a fact finder," which is particularly helpful "in large and complex cases such as this." *Pac. W. Cable Co. v. City of Sacramento, Cal.*, 672 F. Supp. 1322, 1326 (E.D. Cal. 1987) (quoting *Berkey Photo, Inc. v. Eastman Kodak Co.*, 603 F.2d 263, 279 (2d Cir. 1979)). Google's form begins with the dispositive consent inquiry, which is logical and efficient given that an answer in Google's favor would relieve the jury of the need to work its way through the remainder of the document. Google's form also breaks up this case's complex issues into bite-size pieces, guiding the jury through each claim and defense step-by-step. For example, for Plaintiffs' breach of contract claim, Google identifies the two contracts at issue, asks which writings are incorporated into each, and provides easy-fill charts to allow for Plaintiff-by-Plaintiff, individualized damages awards—all while seamlessly integrating its defenses.

The Court should use Google's, not Plaintiffs', verdict form.

DATED: November 1, 2023

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Andrew H. Schapiro

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE'S PROPOSED
VERDICT FORM**

The Honorable Yvonne Gonzalez Rogers

Date: November 29, 2023

Time: 9:00 a.m.

Location: Courtroom 1 – 4th Floor

Trial Date: January 29, 2024

1 Pursuant to the Court's September 18, 2023 Order (Dkt. 1001), the Court's September 29,
2 2022 Standing Order Re: Pretrial Instructions in Civil Cases, and in advance of the Pretrial
3 Conference set for November 29, 2023, Defendant Google LLC submits the following proposed
4 verdict form for the trial set to begin on January 29, 2024.

1 **Introduction**

2 This verdict form is divided into nine lettered sections, A through I. The letters
3 correspond to claims in Plaintiffs' complaint and Defendant's defenses to those claims. For
4 example, section A includes questions relating to Google's defense of consent, and section B
includes questions relating to Plaintiffs' claims under the California Computer Data Access
and Fraud Act and Google's defenses to those claims.

5 You must follow the law provided to you in the Jury Instructions in answering the
6 questions in this Verdict Form. Instructions for completing the form are included in italics
7 for each question. Not all questions may require an answer; for example, if you find that
8 Plaintiffs consented to Google's receipt of the At Issue Data, this is a defense to all of Plaintiffs'
claims and your verdict would therefore not include answers to every question. You must be
unanimous for each question that you are required to answer.

9 Once you have reached a unanimous verdict on all questions that you are required to
10 answer, the presiding juror should sign the verdict form and notify the court clerk that you
are ready to present your verdict in the courtroom.

We, the jury in the above-entitled case, unanimously find as follows:

A. CONSENT

A1. Did Google prove by a preponderance of the evidence any Plaintiff consented to Google's receipt of the At Issue Data?

Please refer to Jury Instruction No. [X]¹ and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered Yes for any Plaintiff, please proceed to question A2.

If you answered No for all Plaintiffs, please proceed to Section B.

A2. Did Plaintiffs prove by a preponderance of the evidence that Google intercepted the At Issue Data for the purpose of committing a criminal or wrongful act in violation of the law?

_____ Yes _____ No

If you answered Yes to question A1 for all Plaintiffs and answered No to question A2, please proceed to the end of this verdict form, sign and date it, and provide it to court personnel.

Otherwise, please proceed to Section B.

¹ Google will submit a revised proposed verdict form, numbering the jury instructions referenced therein, after the Court issues its final jury instructions and assigns them numbers.

B. VIOLATION OF THE CALIFORNIA COMPUTER DATA ACCESS AND FRAUD ACT (“CDAFA”), CAL. PENAL CODE § 502

B1. Did each Plaintiff prove by a preponderance of the evidence that Google violated the California Computer Data Access and Fraud Act (“CDAFA”) with respect to his or her claim?

Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered No for all Plaintiffs, proceed to Section C.

If you answered Yes for any Plaintiff, answer question B2.

B2. Are Plaintiffs’ CDAFA claims based on harm they allegedly incurred prior to June 2, 2017 timely under the statute of limitations?

Please refer to Jury Instruction Nos. [X] - [X] and answer Yes or No.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

Please complete the chart below, referring to Jury Instruction Nos. [X] through [X] to calculate any damages.

Damages - CDAFA						
Row No.	Instructions	Mr. Brown	Mr. Byatt	Mr. Davis	Mr. Castillo	Ms. Trujillo
1	If you answered question B1 (CDAFA liability) Yes for any Plaintiff, calculate their damages for this claim, if any.	\$____	\$____	\$____	\$____	\$____
2	If you answered question B2 (Statute of Limitations) No for any Plaintiff, calculate the amount of damages associated with harm that occurred prior to June 2, 2017.	-\$____	-\$____	-\$____	-\$____	-\$____
3	Calculate the amount of damages, if any, Plaintiff could have avoided with reasonable efforts or expenditures, as explained in Jury Instruction No. [X].	-\$____	-\$____	-\$____	-\$____	-\$____
4	Calculate total damages to be awarded for this claim by subtracting the dollar amount in rows 2-3 from the dollar amount in row 1:	\$____	\$____	\$____	\$____	\$____

Proceed to Section C.

**C. VIOLATION OF THE CALIFORNIA INVASION OF PRIVACY ACT (“CIPA”),
CAL. PENAL CODE § 631**

C1. Did each Plaintiff prove by a preponderance of the evidence that Google violated CIPA Section 631 with respect to his or her claim?

Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered No for all Plaintiffs, please proceed to Section D.

If you answered Yes for any Plaintiff, please proceed to question C2.

C2. Are Plaintiffs’ CIPA § 631 claims based on harm they allegedly incurred prior to June 2, 2019 timely under the statute of limitations?

Please refer to Jury Instruction Nos. [X] - [X] and answer Yes or No.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

Please proceed to question C3.

1 **C3. For any portion of the claim you find timely, each Plaintiff proved Google**
2 **violated CIPA § 631 the following number of times:**

3 *Please refer to Jury Instruction No. [X] and respond with a number.*

4 **Mr. Brown:** _____

5 **Mr. Byatt:** _____

6 **Mr. Castillo:** _____

7 **Mr. Davis:** _____

8 **Ms. Trujillo:** _____

9 *Please proceed to Section D.*

**D. VIOLATION OF THE CALIFORNIA INVASION OF PRIVACY ACT (“CIPA”),
CAL. PENAL CODE § 632**

D1. Did each Plaintiff prove by a preponderance of the evidence that Google violated CIPA Section 632 with respect to his or her claim?

Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered No for all Plaintiffs, please proceed to Section E.

If you answered Yes for any Plaintiff, answer question D2.

D2. Are Plaintiffs’ CIPA § 632 claims based on harm they allegedly incurred prior to June 2, 2019 timely under the statute of limitations?

Please refer to Jury Instruction No. [X] and answer Yes or No.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

Please proceed to question D3.

1 **D3. For any portion of the claim you find timely, each Plaintiff proved Google**
2 **violated CIPA § 632 the following number of times:**

3 *Please refer to Jury Instruction No. [X] and respond with a number..*

4 **Mr. Brown:** _____

5 **Mr. Byatt:** _____

6 **Mr. Castillo:** _____

7 **Mr. Davis:** _____

8 **Ms. Trujillo:** _____

9 *Please proceed to Section E.*

E. VIOLATION OF THE FEDERAL WIRETAP ACT, 18 U.S.C. §§ 2510, ET. SEQ.

E1. Did each Plaintiff prove by a preponderance of the evidence that Google violated the Federal Wiretap Act with respect to his or her claim?

Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered No for all Plaintiffs, proceed to Section F.

If you answered Yes for any Plaintiff, proceed to question E2.

E2. Did Google prove by a preponderance of the evidence that non-Google websites Plaintiffs visited consented to Google's receipt of the At Issue Data?

_____ Yes _____ No

If you answered Yes, then answer question E3.

If you answered No, then skip question E3 and answer question E4.

E3. Did Plaintiffs prove by a preponderance of the evidence that Google intercepted the At Issue Data for the purpose of committing a criminal or wrongful act in violation of the law?

_____ Yes _____ No

If you answered No to this question and answered Yes to question E2, then please proceed to Section F.

Otherwise, please answer question E4.

1 **E4. Are Plaintiffs' Federal Wiretap Act claims based on harm they allegedly**
2 **incurred prior to June 2, 2018 timely under the statute of limitations?**

3 *Please refer to Jury Instruction No. [X] and answer Yes or No.*

4 **Mr. Brown:** _____ Yes _____ No

5 **Mr. Byatt:** _____ Yes _____ No

6 **Mr. Castillo:** _____ Yes _____ No

7 **Mr. Davis:** _____ Yes _____ No

8 **Ms. Trujillo:** _____ Yes _____ No

9 *Please proceed to question E5.*

10 **E5. For any portion of the claim you find timely, each Plaintiff proved Google**
11 **violated the Federal Wiretap Act the following number of days:**

12 *Please refer to Jury Instruction No. [X] and respond with a number.*

13 **Mr. Brown:** _____

14 **Mr. Byatt:** _____

15 **Mr. Castillo:** _____

16 **Mr. Davis:** _____

17 **Ms. Trujillo:** _____

18 *Please proceed to Section F.*
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F. BREACH OF CONTRACT**Contract 1**

Google and each Plaintiff agree that they entered into a contractual agreement, the Google Terms of Service, applicable to all Google Account holders. The parties agree that for those Google Account holders who browse the internet using the Chrome browser, this contract incorporates by reference the Google Chrome and Chrome OS Additional Terms of Service, the Chrome Privacy Notice (but only up through October 3, 2023), and Google's Privacy Policy (but only through March 30, 2020) ("Contract 1").

Please refer to Jury Instruction No. [X] to answer questions F1 through F4.

F1. Did Plaintiffs prove by a preponderance of the evidence that Google's Post-March 2020 Privacy Policy was incorporated into Contract 1?

Yes ____ No ____

Please proceed to question F2.

F2. Did Plaintiffs prove by a preponderance of the evidence that The Search & Browse Privately Help page was incorporated into Contract 1?

Yes ____ No ____

Please proceed to question F3.

F3. Did Plaintiffs prove by a preponderance of the evidence that The Incognito Screen was incorporated into Contract 1?

Yes ____ No ____

If your answer to question F3 is Yes, then answer question F4.

If you answered No, proceed to question F5.

F4. Are the following three documents that the Incognito Screen linked to via its "Learn more" button incorporated by reference into the Incognito Screen and thus also part of Contract 1?

The How Chrome Incognito Keeps Your Browsing Private Help page: Yes ____ No ____

The Browse in Private Help page: Yes ____ No ____

The How Private Browsing Works in Chrome Help page: Yes ____ No ____

Please proceed to question F5.

1 **F5. Did each Plaintiff prove by a preponderance of the evidence that Google is liable**
2 **to Plaintiffs for breach of any promises in Contract 1 with respect to his or her**
3 **claim?**

4 *Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No for each Plaintiff.*

5 **Mr. Brown:** _____ Yes _____ No

6 **Mr. Byatt:** _____ Yes _____ No

7 **Mr. Castillo:** _____ Yes _____ No

8 **Mr. Davis:** _____ Yes _____ No

9 **Ms. Trujillo:** _____ Yes _____ No

10 *Please proceed to question F6.*

Contract 2

Google and Plaintiff Trujillo agree that they entered into a contractual agreement, the Google Terms of Service, applicable to all Google Account holders, and that this contract governs Google's collection of the At Issue Data through its services, regardless of which brand of browser is used. The parties agree that this contract incorporates by reference Google's Privacy Policy (but only through March 30, 2020) ("Contract 2").

Please refer to Jury Instruction No. [X] to answer questions F6 and F7.

F6. Did Monique Trujillo prove by a preponderance of the evidence that Google's Post-March 2020 Privacy Policy was incorporated into Contract 2?

Yes ____ No ____

Please proceed to question F7.

F7. Did Monique Trujillo prove by a preponderance of the evidence that The Search & Browse Privately Help page was incorporated into Contract 2?

Yes ____ No ____

Please proceed to question F8.

F8. Did Monique Trujillo prove by a preponderance of the evidence that Google is liable to her for breach of any promises in Contract 2?

Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No.

Yes ____ No ____

If you answered Yes for any Plaintiff in question F5 or for Monique Trujillo in question F8, please proceed to question F9.

If you answered No for all Plaintiffs in question F5 and for Monique Trujillo in question F8, please proceed to Section G.

Defenses to Breach of Contract 1 and 2

F9. Are Plaintiffs' breach of contract claims based on harm they allegedly incurred prior to June 2, 2016 timely under the statute of limitations?

Please refer to Jury Instruction Nos. [X] - [X] and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered No for all Plaintiffs, please proceed to Section G.

If you answered Yes for any Plaintiff, please answer question F10.

F10. Do the statements from Google's Terms of Service identified in Instruction No. [X] relieve Google from liability for receipt of the At Issue Data during the corresponding time period?

Please refer to Jury Instruction No. [X] and answer Yes or No for each statement.

Statement 1 (June 1, 2016 to October 24, 2017): Yes ____ No ____

Statement 2 (October 25, 2017 to March 30, 2020): Yes ____ No ____

Statement 3 (March 31, 2020 to January 4, 2022): Yes ____ No ____

Statement 4 (January 5, 2022 to the present): Yes ____ No ____

If you answered Yes for all four statements, please proceed to Section G.

If you answered No for any statement, please answer F11.

F11. Did Google prove by clear and convincing evidence that Plaintiffs waived their right to enforce any obligation by Google not to receive the At Issue Data?

Please refer to Jury Instruction No. [X] and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered Yes for all Plaintiffs, please proceed to Section G.

If you answered No for any Plaintiff, please complete the chart below, referring to Jury Instruction Nos. [X] through [X] to calculate any damages.

Damages - Breach of Contract						
Row No.	Instruction	Mr. Brown	Mr. Byatt	Mr. Davis	Mr. Castillo	Ms. Trujillo
1	If you answered questions F5 (Contract 1 Liability) or F8 (Contract 2 Liability) Yes for any Plaintiff, place a checkmark in the column for that Plaintiff.					
2	If you answered question F12 (Waiver) No for any Plaintiff, place a checkmark in the column for that Plaintiff.					
3	For any Plaintiff with two checkmarks, calculate their damages for this claim, if any.	\$____	\$____	\$____	\$____	\$____
4	If you answered question F9 (Statute of Limitations) No for any Plaintiff, calculate the amount of damages associated with harm that occurred prior to June 2, 2016.	-\$____	-\$____	-\$____	-\$____	-\$____
5	Do any of the statements in Jury Instruction No. <input checked="" type="checkbox"/> limit the amount of damages to be awarded? If so, calculate the amount to be limited for each Plaintiff.	-\$____	-\$____	-\$____	-\$____	-\$____
6	If you answered question F10 (Limitation on Liability) Yes for any statement, calculate the amount of damages associated with the corresponding time period to be reduced from Plaintiffs' damages award.	-\$____	-\$____	-\$____	-\$____	-\$____
7	Calculate the amount of damages, if any, Plaintiff could have avoided with reasonable efforts or expenditures, as explained in Jury Instruction No. <input checked="" type="checkbox"/> .	-\$____	-\$____	-\$____	-\$____	-\$____
8	Calculate the amount of Plaintiffs' unjust enrichment, if any, as explained in Jury Instruction No. <input checked="" type="checkbox"/> .	-\$____	-\$____	-\$____	-\$____	-\$____

9	Calculate total damages to be awarded for this claim by subtracting the dollar amounts in rows 4 through 8 from the dollar amount in row 3:	\$____	\$____	\$____	\$____	\$____
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Nominal Damages - Breach of Contract						
Row No.	Instruction	Mr. Brown	Mr. Byatt	Mr. Davis	Mr. Castillo	Ms. Trujillo
1	If you did not award any damages in the chart above, you may award a nominal value of \$1 to any Plaintiff with two checkmarks:	\$____	\$____	\$____	\$____	\$____

Proceed to Section G.

G. INVASION OF PRIVACY

G1. Did each Plaintiff prove by a preponderance of the evidence that Google invaded their privacy?

Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered No for all Plaintiffs, please proceed to Section H.

If you answered Yes for any Plaintiff, please proceed to question G2.

G2. Did Google prove by a preponderance of the evidence that the circumstances justified that invasion of Plaintiffs' privacy?

Please refer to Jury Instruction No. [X] and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered Yes for all Plaintiffs, please proceed to Section H.

Otherwise, please proceed to question G3.

1 **G3. Are Plaintiffs' claims for invasion of privacy based on harm they allegedly**
2 **incurred prior to June 2, 2018 timely under the statute of limitations?**

3 *Please refer to Jury Instruction Nos. [X] - [X] and answer Yes or No.*

4 **Mr. Brown:** _____Yes _____No

5 **Mr. Byatt:** _____Yes _____No

6 **Mr. Castillo:** _____Yes _____No

7 **Mr. Davis:** _____Yes _____No

8 **Ms. Trujillo:** _____Yes _____No

9 *Please proceed to Section H.*

H. INTRUSION UPON SECLUSION

H1. Did each Plaintiff prove by a preponderance of the evidence that Google intruded upon his or her seclusion?

Please refer to Jury Instruction Nos. [X] - [X], and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered No for all Plaintiffs, please proceed to Section I.

If you answered Yes for any Plaintiff, please proceed to question H2.

H2. Did Google prove by a preponderance of the evidence that the circumstances justified that intrusion upon a Plaintiff's seclusion?

Please refer to Jury Instruction No. [X] and answer Yes or No for each Plaintiff.

Mr. Brown: _____ Yes _____ No

Mr. Byatt: _____ Yes _____ No

Mr. Castillo: _____ Yes _____ No

Mr. Davis: _____ Yes _____ No

Ms. Trujillo: _____ Yes _____ No

If you answered Yes for all Plaintiffs, please proceed to Section I.

Otherwise, please answer question H3.

1 **H3. Are Plaintiffs' claims for intrusion upon seclusion based on harm they allegedly**
2 **incurred prior to June 2, 2018 timely under the statute of limitations?**

3 *Please refer to Jury Instruction No. [X] and answer Yes or No.*

4 **Mr. Brown:** _____ Yes _____ No

5 **Mr. Byatt:** _____ Yes _____ No

6 **Mr. Castillo:** _____ Yes _____ No

7 **Mr. Davis:** _____ Yes _____ No

8 **Ms. Trujillo:** _____ Yes _____ No

9
10 *Please complete the chart below, referring to Jury Instruction Nos. [X] through [X] to*
11 *calculate any damages.*

Damages - Intrusion Upon Seclusion						
Row No.	Instruction	Mr. Brown	Mr. Byatt	Mr. Davis	Mr. Castillo	Ms. Trujillo
1	If you answered question H1 (Intrusion Liability) Yes for any Plaintiff, place a checkmark in the column for that Plaintiff.					
2	If you answered question H2 (Intrusion Justified) No for any Plaintiff, place a checkmark in the column for that Plaintiff.					
3	For any Plaintiff with two checkmarks, calculate their damages for this claim, if any.	\$____	\$____	\$____	\$____	\$____
4	If you answered question H3 (Statute of Limitations) No for any Plaintiff, calculate the amount of damages associated with harm that occurred prior to June 2, 2018.	-\$____	-\$____	-\$____	-\$____	-\$____
5	Calculate the amount of damages, if any, Plaintiff could have avoided with reasonable efforts or expenditures, as explained in Jury Instruction No. [X].	-\$____	-\$____	-\$____	-\$____	-\$____
6	Calculate the amount of Plaintiffs' unjust enrichment, if any, as explained in Jury Instruction No. [X].	-\$____	-\$____	-\$____	-\$____	-\$____
7	Calculate total damages to be awarded for this claim by subtracting the dollar amounts in rows 5 through 6 from the dollar amount in row 4:	\$____	\$____	\$____	\$____	\$____

Please proceed to Section I.

I. PUNITIVE DAMAGES

If you calculated damages for Section B (CDAFA) or Section H (Intrusion Upon Seclusion), please answer question II.

Otherwise, please proceed to the end of this verdict form, sign and date it, and provide it to court personnel.

II. Did Plaintiffs prove by clear and convincing evidence that Google engaged in conduct constituting malice, oppression, or fraud when intruding upon Plaintiffs' seclusion or in violating CDAFA?

Yes ____ No ____

Please proceed to the end of this verdict form, sign and date it, and provide it to court personnel.

1 Sign and date your verdict.

2 Signed: _____

3 Presiding Juror

4 Dated: _____

5 DATE SUBMITTED: _____

6 DATE REVISED: _____

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1 DATED: November 1, 2023

Respectfully submitted,

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